

**SUPREME COURT MINUTES
WEDNESDAY, SEPTEMBER 1, 2004
SAN FRANCISCO, CALIFORNIA**

S020803

PEOPLE v. STEWART (RICHARD B.)
Rehearing denied

S029550

PEOPLE v. HOLLOWAY (DUANE)
Rehearing denied

Petition and supplemental petition for rehearing
denied.

S087243

PEOPLE v. BROWN (JOHN GEORGE)
Rehearing denied

George, C.J., was recused and did not
participate.

S113359

G028272 Fourth Appellate District,
Division Three

NOLAN v. CITY OF ANAHEIM
Rehearing denied

Kennard, J., and Werdegarr, J., are of the opinion
the petition should be granted.

S125590

H025069 Sixth Appellate District

SIEBEL v. BUELL
Petition for review granted

Votes: George, C.J., Werdegarr, Chin, Brown,
and Moreno, JJ.

S125590

H025069 Sixth Appellate District

SIEBEL v. BUELL
The above entitled matter is retitled as follows:

THOMAS SIEBEL, Plaintiff and Appellant,
v.
CAROL L. MITTLESTEADT et al.,
Defendants and Respondents.

S125643

A101754 First Appellate District,
Division Five

M. (K.) v. E. (G.)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S125912

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)

Petitions for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown and Moreno, JJ.

S126945

B167799 Second Appellate District,
Division Three

H. (KRISTINE RENEE) v. R. (LISA ANN)

Petition for review granted

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S125266

B167314 Second Appellate District,
Division Five

PEOPLE v. MORENO

Petition for review granted; transferred to CA 2/5

The above-entitled matter is transferred to the Court of Appeal, Second District, Division Five, with directions to vacate its dismissal of the appeal and to reconsider the matter in light of *Roe v. Flores-Ortega* (2000) 528 U.S. 470, 484-486; *People v. Lloyd* (1998) 17 Cal.4th 658, 665; *People v. Jones* (1995) 10 Cal.4th 1102, 1108, fn. 4; *People v. Knauer* (1988) 206 Cal.App.3d 1124, 1127-1130; Petition for Writ of Habeas Corpus (filed Aug. 21, 2000) pp. 3, 6; Informal Response to Petition for Writ of Habeas Corpus (filed Sept. 29, 2000) pp. 5, 13 & attachment K.

Votes: George, C.J., Kennard, Baxter,
Werdegarr, Chin, Brown, and Moreno, JJ.

S050142

LUCAS (LARRY) ON H.C.
Petition for writ of habeas corpus denied

Except as ordered by this court in our opinion filed July 26, 2004, the petition for writ of habeas corpus is denied as follows:

Claims A, F, G, J, K, L, T, W, Z, AA, and AB, to the extent they are directed at the guilt phase of trial, are denied on the merits.

That portion of claim M asserting that admission of photographs into evidence at the guilt phase of trial was a violation of Evidence Code section 352 and of the constitutional right to due process of law is rejected because it was raised and rejected on direct appeal. (*In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Harris* (1993) 5 Cal.4th 813, 829-841.) In all other respects pertinent to the guilt phase, the claim is rejected because it could have been, but was not, raised on direct appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Harris, supra*, 5 Cal.4th at pp. 825, fn. 38, 829-841.) The claim also is denied on the merits.

That portion of claim N asserting that a violation of petitioner's Sixth and Fourteenth Amendment rights occurred at the guilt phase is rejected because it was raised and rejected on direct appeal. (*In re Waltreus, supra*, 62 Cal.2d at p. 225; *In re Harris, supra*, 5 Cal.4th at pp. 829-841.) The remaining elements of this claim are rejected because they could have been, but were not, raised on direct appeal. (*In re Dixon, supra*, 41 Cal.2d at p. 759; *In re Harris, supra*, 5 Cal.4th at pp. 825, fn. 38, 829-841.) The claim also is denied on the merits.

Except to the extent it alleges ineffective assistance of counsel during voir dire and to the extent it claims error at the guilt phase, claim P is rejected because it was raised and rejected on direct appeal. (*In re Waltreus, supra*, 62 Cal.2d at p. 225; *In re Harris, supra*, 5 Cal.4th at pp. 829-841.) The claim also is denied on the merits.

Claim AC, to the extent it refers to claims that were raised and rejected on direct appeal, is barred by *In re Waltreus, supra*, 62 Cal.2d at page 225. (See also *In re Harris, supra*, 5

Cal.4th at pp. 829-841.) It also is denied on the merits.

In light of this court's judgment dated July 26, 2004, vacating petitioner's death judgment, all remaining claims and subclaims are denied as moot.

Brown, J., would deny the petition solely on the merits.

S114371

AYALA (HECTOR JUAN) ON H.C.
Petition for writ of habeas corpus denied

Defendant's request that we take judicial notice of the record on appeal in this court in *People v. Ayala*, S013188, is granted. His further request that we take judicial notice of the record of the federal habeas proceedings in *Ayala v. Woodford*, District Court Case No. 01-CV-1322 is denied, as petitioner has not provided us with such record (see *People v. Belcher* (1974) 11 Cal.3d 91, 94, fn. 2), and it does not appear necessary to the disposition of this petition.

The petition for writ of habeas corpus is denied on its merits. Additionally, the petition is denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770; *In re Clark* (1993) 5 Cal.4th 750), and successive (*In re Robbins, supra*, 18 Cal.4th at p. 788, fn. 9; *In re Clark, supra*, 5 Cal.4th at p. 768; *In re Horowitz* (1949) 33 Cal.2d 534, 546-547.)

Justice Brown would deny the petition solely on the merits.

S125621

A106706 First Appellate District,
Division Five

LIEBB (STEPHEN) ON H.C.
Petition for review denied

S125663

A106702 First Appellate District,
Division One

BIGGS (JEFFREY J.) ON H.C.
Petition for review denied

S125693

B175672 Second Appellate District,
Division Seven

JOHNSON (KENNETH W.) ON H.C.
Petition for review denied

S125707

E035976 Fourth Appellate District,
Division Three

WALKER (WILLIAM) ON H.C.
Petition for review denied

S125725

B175541 Second Appellate District,
Division One

VERDUSCO (EDDIE) ON H.C.
Petition for review denied

S125764

F045591 Fifth Appellate District

MADRID (DANNY) ON H.C.
Petition for review denied

S125800

H026019 Sixth Appellate District

PEOPLE v. KRISHAN
Petition for review denied

S125815

B169025 Second Appellate District,
Division Two

OMAR v. RALPHS GROCERY COMPANY
Petition for review denied

S125816

F042811 Fifth Appellate District

SIEGEL v. ANDERSON HOMES INC.
Petition for review denied

S125823

E035958 Fourth Appellate District,
Division Two

LOPEZ (LEONEL CANTU) ON H.C.
Petition for review denied

S125828

H027498 Sixth Appellate District

WALKER (MICHAEL ANDREW) ON H.C.
Petition for review denied

S125854

A101357 First Appellate District,
Division Two

PEOPLE v. SCHMIDT
Petition for review denied

S125889

E036032 Fourth Appellate District,
Division Two

WHITAKER (JAMES D.) ON H.C.

Petition for review denied

S125896

G031303 Fourth Appellate District,
Division Three

PEOPLE v. LUNA

Petitions for review denied

S125899

A100958 First Appellate District,
Division Three

PEOPLE v. HILL

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S125954

A099858 First Appellate District,
A099863 Division Five
A099864
A100892
A100895
A100896
A100897
A160922

PG&E CORP. v. PUBLIC UTILITIES COMMISSION
(OFFICE OF RATEPAYER ADVOCATES)

Petition for review denied

Chin, J., was recused and did not participate.

S125982

B150375 Second Appellate District,
Division Six

PEOPLE v. REINER

Petition for review denied

S126005

H025891 Sixth Appellate District

PEOPLE v. COVIAN

Petition for review denied

S126009

C039121 Third Appellate District

PEOPLE v. WRIGHT

Petition for review denied

S126010

C046884 Third Appellate District

SHINGLE SPRINGS BAND OF MIWOK INDIANS v.
WCAB (IVESTER)

Petition for review denied

S126022

B173145 Second Appellate District,
Division Six

REINER (JOHN J.) ON H.C.
Petition for review denied

S126033

B157914 Second Appellate District,
Division Eight

DEGREZIA v. S.C. (BLUE CROSS OF CALIF)
Petition for review denied

S126047

H027184 Sixth Appellate District

COVIAN (GUSTAVO) ON H.C.
Petition for review denied

S126055

B166130 Second Appellate District,
B170381 Division Three

PEOPLE v. THOMAS
Petition for review denied

S126067

B166013 Second Appellate District,
Division Two

PEOPLE v. JONES (SAMUEL E.)
Petition for review denied

S126069

C043769 Third Appellate District

HARBISON v. NORCAL MUTUAL INSURANCE
Petitions for review denied

S126074

B162086 Second Appellate District,
Division Six

PEOPLE v. RIVERA
Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the
effect of *Blakely v. Washington* (2004) __
U.S. __ S.Ct. 2531, on California law.

S126093

G031011 Fourth Appellate District,
Division Three

PEOPLE v. MORGAN
Petition for review denied

S126094

B175974 Second Appellate District,
Division Three

BROWNLOW (GREGORY) ON H.C.
Petition for review denied

S126121

A102393 First Appellate District,
Division Five

PEOPLE v. RHODES

Petition for review denied

S126132

A099199 First Appellate District,
Division Three

PEART v. FERRO

Petition for review denied

Kennard, J., and Werdegar, J., are of the opinion
the petition should be granted.

S126181

E033529 Fourth Appellate District,
Division Two

PEOPLE v. REY

Petition for review denied

Petition for review denied without prejudice to
any relief to which defendant might be entitled
after this court determines in *People v. Black*,
S126182, and *People v. Towne*, S125677, the
effect of *Blakely v. Washington* (2004) ____
U.S. ____ S.Ct. 2531, on California law.

S126193

A099989 First Appellate District,
Division Two

PEOPLE v. COLLINS

Petition for review denied

S126196

B166155 Second Appellate District,
Division Five

PEOPLE v. KELLY

Petition for review denied

S126220

B165763 Second Appellate District,
Division Seven

PEOPLE v. MOORE

Petition for review denied

S126252

B166729 Second Appellate District,
Division Six

PEOPLE v. LOPEZ

Petition for review denied

S126280

E033309 Fourth Appellate District,
Division Two

MCCULLOUGH v. CLAUSEN

Petition for review denied

Request for judicial notice granted.

S126296

E033256 Fourth Appellate District,
Division Two

REDLANDS ASSOCIATION v. CITY OF
REDLANDS (REDLANDS JOINT VENTURE, LLC.)
Petition for review denied

S126306

A104703 First Appellate District,
Division One

FREDENBURG v. CITY OF FREMONT
Petition for review & publication request denied

S126309

B168813 Second Appellate District,
Division Five

PEOPLE v. CANTY
Petition for review denied

S126334

A106645 First Appellate District,
Division One

CALIFORNIA INDEMNITY INSURANCE v. WCAB
(CARPER)
Petition for review denied

S126341

E034890 Fourth Appellate District,
Division Two

PEOPLE v. BRAGER
Petition for review denied

S126380

B161501 Second Appellate District,
Division Five

STOCK v. HAFIF
Petition for review denied

S126416

G030217 Fourth Appellate District,
Division Three

PEMSTEIN v. PEMSTEIN
Petitions for review denied

S126417

A101906 First Appellate District,
Division Five

PEOPLE v. HUNTER
Petition for review denied

S126418

E033466 Fourth Appellate District,
Division Two

PEOPLE v. SOUSA
Petition for review denied

S126420

G031227 Fourth Appellate District,
Division Three

PEMSTEIN v. PEMMA CORPORATION
Petition for review denied

S126423PEMMA CORPORATION v. CA 4/3 (PEMSTEIN)
Petition for writ of mandate/prohibition denied**S126444**B168863 Second Appellate District,
Division SixPEOPLE v. JAMES
Petition for review denied**S126488**

H026799 Sixth Appellate District

M. (MIGUEL), IN RE
Petition for review denied**S126490**A106982 First Appellate District,
Division FourWILEY v. S.C. (PEOPLE)
Petition for review denied**S126496**B165805 Second Appellate District,
Division FourPEOPLE v. ALBICKER
Petition for review denied**S126554**G032275 Fourth Appellate District,
Division ThreeTOKAI v. PETERSON
Petition for review denied**S126556**B165896 Second Appellate District,
Division SixPEOPLE v. HOGE
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S126569B170273 Second Appellate District,
Division FivePEOPLE v. FINCH
Petition for review denied**S126571**B167042 Second Appellate District,
Division SevenPEOPLE v. INTRIANO
Petition for review denied

S126577

B168583 Second Appellate District,
Division Six

PEOPLE v. LOZANO

Petition for review denied

S126580

F043256 Fifth Appellate District

PEOPLE v. HEU

Petition for review denied

S126581

B168294 Second Appellate District,
Division Seven

PEOPLE v. MCFALL

Petition for review denied

S126582

H025247 Sixth Appellate District

PEOPLE v. PEREZ

Petition for review denied

S126584

A098722 First Appellate District,
Division Three

PEOPLE v. ALCANTARA

Petition for review denied

S126591

C044046 Third Appellate District

SINATRA v. CHICO UNIFIED SCHOOL DISTRICT

Petition for review denied

S126600

E033523 Fourth Appellate District,
Division Two

PEOPLE v. WILSON

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S126601

B159956 Second Appellate District,
Division One

PARKS v. LOS ANGELES UNIF SCHOOL DIST.

Petition for review denied

S126604

D040310 Fourth Appellate District,
Division One

ALBERTS v. FRANKLIN

Petition for review denied

S126609

G032596 Fourth Appellate District,
Division Three

GRANT v. GRANT

Petition for review denied

S126611

F045915 Fifth Appellate District

KOPHAMER FARMS v. S.C. (PLANTENGA)

Petition for review denied

S126613

F043792 Fifth Appellate District

PEOPLE v. APPODACA

Petition for review denied

S126614

E034109 Fourth Appellate District,
Division Two

S. (JERRY), IN RE

Petition for review denied

S126615

F044690 Fifth Appellate District

GONZALEZ v. S.C. (FIRESIDE DODGE)

Petition for review denied

S126616

C043243 Third Appellate District

S. (DANIEL), IN RE

Petition for review denied

Request for judicial notice denied.

S126617

B166884 Second Appellate District,
Division One

PEOPLE v. IRVINE

Petition for review denied

S126618

G033071 Fourth Appellate District,
Division Three

PEOPLE v. SOLWICK

Petition for review denied

S126619

F042108 Fifth Appellate District

PEOPLE v. STOUT

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

Baxter, J., was recused and did not participate.

S126620 B176455 Second Appellate District, Division Five	ASH v. S.C. (HOAG PROPERTY MANAGEMENT) Petition for review denied
S126625 G032489 Fourth Appellate District, Division Three	PEOPLE v. RUIZ-CARRION Petition for review denied
S126637 B176133 Second Appellate District, Division Four	SOIL v. S.C. (PEOPLE) Petition for review and application for stay denied
S126639 B166880 Second Appellate District, Division Three	PEOPLE v. SOLIS Petition for review denied
S126644 G032314 Fourth Appellate District, Division Three	FURROW v. BISSON Petition for review denied
S126645 D042312 Fourth Appellate District, Division One	RODRIGUEZ v. SAN DIEGO COMMUNITY COLLEGE DISTRICT Petition for review denied
S126646 B170329 Second Appellate District, Division Five	PEOPLE v. SALAZAR Petition for review denied
S126658 A100481 First Appellate District, Division Four	PEOPLE v. SLOAN Petition for review denied
S126663 F042972 Fifth Appellate District	PEOPLE v. MAHER Petition for review denied
S126675 E034985 Fourth Appellate District, Division Two	PEOPLE v. MARTINEZ Petition for review denied

S126677

E034845 Fourth Appellate District,
Division Two

H. (KYLE), IN RE

Petition for review denied

S126679

G031598 Fourth Appellate District,
Division Three

PEOPLE v. AVA

Petition for review denied

S126684

E034521 Fourth Appellate District,
Division Two

PEOPLE v. TULLOUS

Petition for review denied

S126691

A087913 First Appellate District,
Division Three

PEOPLE v. KING

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S126692

D041553 Fourth Appellate District,
Division One

PEOPLE v. MCCLINTOCK

Petition for review denied

S126693

B167265 Second Appellate District,
Division Seven

B. (JOSE), IN RE

Petition for review denied

S126709

B170074 Second Appellate District,
Division Two

PEOPLE v. GUERRA

Petition for review denied

S126710

E035124 Fourth Appellate District,
Division Two

PEOPLE v. PARDO

Petition for review denied

S126718

G032715 Fourth Appellate District,
Division Three

PEOPLE v. LOZANO

Petition for review denied

S126723

F042458 Fifth Appellate District

PEOPLE v. MARKHAM

Petition for review denied

S126726

B167368 Second Appellate District,
Division Four

PEOPLE v. DUONG

Petition for review denied

S126731

C041700 Third Appellate District

PEOPLE v. WILLIAMS

Petition for review denied

S126732

D041668 Fourth Appellate District,
Division One

PEOPLE v. MARTIN

Petition for review denied

S126734

D043482 Fourth Appellate District,
Division One

PEOPLE v. VIGIL

Petition for review denied

S126735

B145089 Second Appellate District,
Division Seven

PEOPLE v. GUTIERREZ

Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) ___ U.S. ___ S.Ct. 2531, on California law.

S126736

A101999 First Appellate District,
Division Three

PEOPLE v. FORD

Petition for review denied

S126749

C044948 Third Appellate District

PEOPLE v. WOLFE

Petition for review denied

S126755

B168186 Second Appellate District,
Division Three

AMES CONSTRUCTION v. CITY OF LOS ANGELES
Petition for review denied

S126757

B172308 Second Appellate District,
Division Six

HAMMER v. USAA CASUALTY INSURANCE
Petition for review denied

S126764

B162933 Second Appellate District,
Division One

PEOPLE v. KEMP
Petition for review denied

S126777

B165610 Second Appellate District,
Division One

BENNETT v. PETERS
Petition for review denied

S126791

H027671 Sixth Appellate District

FORTE v. S.C. (ALBOV)
Petition for review denied

S126796

B161867 Second Appellate District,
Division Three

KRAVITZ v. BRAUNER
Petition for review denied

S126802

G031614 Fourth Appellate District,
Division Three

PEOPLE v. SMITH
Petition for review denied

S126816

D043395 Fourth Appellate District,
Division One

PEOPLE v. ROSIER
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) __ U.S. __ S.Ct. 2531, on California law.

S127098

H027415 Sixth Appellate District

STEWART v. HARTNELL COMMUNITY COLLEGE
Petition for review and application for stay denied

S127165	WHITE v. CA 5 (PEOPLE) Petition for writ of mandate/prohibition denied
S127166	WASHINGTON v. CA 2 (PEOPLE) Petition for writ of mandate/prohibition denied
S127208	DUFFIE v. CA 2/5 (PEOPLE) Petition for writ of mandate/prohibition denied
S127257	PEMSTEIN (MARTIN) and HMS HOLDING CO. v. CA 4/3 (PEMSTEIN, HAROLD) Petition for writ of mandate/prohibition denied
S127289 B177199 Second Appellate District, Division Five	JONES v. S.C. (FULLER PROPERTIES III) Petition for review and application for stay denied
S127291 B177198 Second Appellate District, Division Five	JONES v. S.C. (FULLER PROPERTIES) Petition for review and application for stay denied
S118437	DIAZ (JOSE OROZCO) ON H.C. Petition for writ of habeas corpus denied
S119293	BAKER (FRED L.) ON H.C. Petition for writ of habeas corpus denied
S119457	CHALEUNSOUK (PHONGSAVATH) ON H.C. Petition for writ of habeas corpus denied
S119476	VALDEZ (EMIGDIO) ON H.C. Petition for writ of habeas corpus denied
S119613	SCOTT (ROBERT) ON H.C. Petition for writ of habeas corpus denied

S119922

PARROTT (RUDOLPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

S120045

THOMPSON (TROY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Miller* (1941) 17 Cal.2d 734.)

S120069

TORRENCE (GARRY A.) ON H.C.
Petition for writ of habeas corpus denied

S120079

GLADDEN (RAYMOND) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756; *In re Lindley* (1947) 29 Cal.2d 709; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120086

POWELL (JASON) ON H.C.
Petition for writ of habeas corpus denied

S120153

PIERCE (JAMES EARL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120190

RANSOM (BRYAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120211

MITCHELL (GREGORY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120329

MAGEE (RUCHELL C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

S120341

STEWART (LAMONT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120342

BEARD (DANIEL) ON H.C.
Petition for writ of habeas corpus denied

S120344

NAVARRO (ALBERT) ON H.C.
Petition for writ of habeas corpus denied

S120355

EVERS (JAMES) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120372

SIMMONS (CHRISTOPHER I.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120414

DANIELSON (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120415

MURPHY (RUDY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120501

ARMIENTA (JOSE) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120505

OJEDA (VICTOR) ON H.C.
Petition for writ of habeas corpus denied

S120509

TINDEL (BRADLEY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Lindley* (1947) 29 Cal.2d 709; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S120511

PALMER (CALVERTA) ON H.C.
Petition for writ of habeas corpus denied

S120517

PERRY (ERIC D.) ON H.C.
Petition for writ of habeas corpus denied

S120518

CANADY (CURTIS) ON H.C.
Petition for writ of habeas corpus denied

S120528

WINFIELD (MICHAEL J.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S120529

CROSSLEY (LAMONT) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Duvall* (1995) 9 Cal.4th 464, 474.)

S120588

MAYES (ANTHONY S.) ON H.C.
Petition for writ of habeas corpus denied

S121922

SHEDRICK (KEITH NATHAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lessard* (1965) 62 Cal.2d 497, 503.)

S121926

ROBISON (RAYMOND RAY) ON H.C.
Petition for writ of habeas corpus denied

S122548

ODEN (WILBERT JOSEPH) ON H.C.
Petition for writ of habeas corpus denied

Kennard, J., is of the opinion the petition should be granted.

S124080

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S124419

GIBBS (JO C.) ON H.C.
Petition for writ of habeas corpus denied

S124515

BRADFORD (RAYMOND A.) ON H.C.
Petition for writ of habeas corpus denied

S124563

STAMOS (JAMES G.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dexter* (1979) 25 Cal.3d 921.)

S124864

MAGEE (RUCHELL C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S125175

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S126171

BOUSMAN (RICHARD LEE) ON H.C.
Petition for writ of habeas corpus denied

S126279

WASHINGTON (RODERICK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

S126343

GRAVES (KEITH A.) ON H.C.
Petition for writ of habeas corpus denied

S126572

BACHMAN (DONALD C.) ON H.C.
Petition for writ of habeas corpus denied

S126606

ESPINOSA (ANTONIO) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126769

PERRYMAN (DAVID) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Miller* (1941) 17 Cal.2d 734; *In re Dexter*

(1979) 25 Cal.3d 921; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S126825

KRAMER (JEFFREY) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126831

SANFORD (RYAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S126849

BLAND (ANTONIO) ON H.C.
Petition for writ of habeas corpus denied

S126867

LEHMAN (JASON C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Lindley* (1947) 29 Cal.2d 709; *In re Clark* (1993) 5 Cal.4th 750.)

S126895

HENDRIX (EDWARD) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

S126907

CASTRO (ERIK) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S126934

RODRIGUEZ (RAYMOND) ON H.C.
Petition for writ of habeas corpus denied

S126973

LEHMAN (JASON C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S126975

SILVA (DENNIS R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S126978

TOBIAS (BRIAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)

S127024

SILVA (DENNIS RANDOLPH) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

S127026

BARRON (RANDY S.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S127044

WALLER (KEVIN A.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

S127095

BRANDON (TODD R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S127105

WELSH (JOEL R.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S127106

WALKER (RICHARD K.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S127107

BILDERBACK (STEVE M.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S127108

HURST (NORWOOD W.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

S127117

FLEEMAN (SEAN) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

S127143

PATTON (MICHAEL) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

S127174

PAYNES (LORENZO C.) ON H.C.
Petition for writ of habeas corpus denied

S127239

KEAVENY (JAMES C.) ON H.C.
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)

S127240RUMFORD (TONY) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dixon* (1953) 41 Cal.2d 756.)**S127241**THOMAS (JONATHAN F.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dixon* (1953) 41 Cal.2d 756.)**S127242**SURBER (MATTHEW L.) ON H.C.
Petition for writ of habeas corpus denied(See *In re Dixon* (1953) 41 Cal.2d 756.)**S126690**B170619 Second Appellate District,
Division SevenJ. (HENRY), IN RE
Publication request denied (case closed)**S126817**

C036831 Third Appellate District

MONGE, MARRIAGE OF
Publication request denied (case closed)**S124179**D041058 Fourth Appellate District,
Division OneKOEKKE v. BERNARDO HTS COUNTRY CLUB
Extension of time grantedto September 27, 2004 for respondent to file the
answer brief on the merits**S126743**B165314 Second Appellate District,
Division TwoSERRA CANYON v. CALIFA COASTAL COMM
Extension of time grantedto September 17, 2004 for respondent
(California Coastal Comm) to filed the answer
to petition for review.**S060803**PEOPLE v. MUNGIA (JOHN)
Motion for access to sealed record grantedAppellant's "Motion to Unseal Trial
Transcript," filed on July 14, 2004, is granted.
The clerk is directed to unseal the following

document and make it available for public access: "Sealed In Camera (Pages 60 to 62) Reporter's Transcript on Appeal, Proceedings had before the Honorable J. Thompson Hanks, Judge of Riverside County, Department 51, on January 13, 1997." The clerk is further directed to provide a copy of the unsealed document to Respondent.

S034072

PEOPLE v. CURL (ROBERT ZANE)
Order filed

The "Application for Release of Confidential Files and Materials," filed on June 24, 2004, is granted in part and denied in part without prejudice as follows: Based on representations contained in counsel's letters dated August 10 and 16, 2004, the application is granted to the extent it requests access to volume 4 of the Supplemental Clerk's Transcript. The clerk is directed to send a copy of that volume to counsel. In all other respects, the application is denied without prejudice to its renewal on a showing of good cause and that counsel unsuccessfully sought access to the requested materials from counsel appointed to represent appellant on direct appeal.

S055415

PEOPLE v. COWAN (ROBERT W.)
Order filed

Appellant's application for leave to file oversize opening brief is granted.

S065016

BEELEER (RODNEY G.) ON H.C.
Motion denied

Petitioner's "Motion to Amend Pending Petition for Writ of Habeas Corpus," filed on December 8, 2003, is denied.

The Clerk is directed to strike from the docket the filing of petitioner's "Motion to Amend Pending Petition for Writ of Habeas Corpus," filed on December 8, 2003, and to file that document, nunc pro tunc as of that same date, as a new petition for writ of habeas corpus.

S123042

SILVERTON ON DISCIPLINE
Order filed

On the Court's own motion, review is granted.

The parties should take notice that the Court is considering increasing the level of discipline.

Respondent's petition for review is denied.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown, and Moreno, JJ.

S127060

GARRETT v. CA 2/7 (PEOPLE)
Motion denied

Motion to file a late claim for mandamus relief
DENIED.

**SUPREME COURT CALENDAR
LOS ANGELES SESSION
OCTOBER 5 and 6, 2004**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Ronald Reagan State Office Building, 300 South Spring Street, 3rd Floor, North Tower, Los Angeles, California on October 5 and 6, 2004.

TUESDAY, OCTOBER 5, 2004 – 9:00 A.M.

S115008 Gates v. Discovery Communications
S113799 Elsner v. Uveges
S114054 Robinson Helicopter Company v. Dana Corporation

2:00 P.M.

S114375 People v. Braxton
S033975 People v. Michael Steven Combs (Automatic Appeal)
S034473 People v. Christian Antonio Monterroso (Automatic Appeal)

WEDNESDAY, OCTOBER 6, 2004 – 9:00 A.M.

S119897 Coalition of Concerned Communities v. City of Los Angeles
S118450 City of Long Beach v. Department of Industrial Relations
S112624 Lewis Jorge Construction v. Pomona Unified School District

1:30 P.M.

S023835 People v. Jesse Morrison (Automatic Appeal)
S044677 People v. Danny Ray Horning (Automatic Appeal)

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

